



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled COLLAGEN-BINDING MOLECULES THAT SELECTIVELY HOME TO TUMOR VASCULATURE AND METHODS OF USING SAME, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Client-Matter No. \_\_\_\_\_.

  X   was filed on August 25, 2003, as Application Serial No. 10/648,813 (Attorney Client-Matter No. 66821-233)

and was amended on (or amended through) \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It

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refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below, which was converted to a provisional application by Petition under 37 C.F.R. Sec. 1.53(c)(2)(i), and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
10/233,153	August 28, 2002	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor: Erkki Ruoslahti

Inventor's signature: 

Date: 8-23-04

Residence: Rancho Santa Fe, California, U.S.A.

Citizenship: United States of America

Mailing Address: P.O. Box 1054  
Rancho Santa Fe, California 92067

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Full name of second inventor: Markus Essler

Inventor's signature:

Date:

Residence: München, Germany

Citizenship: Germany

Mailing Address: Kuglerstrasse 15  
München, Germany 81675

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Full name of third inventor: Darren M. Brown

Inventor's signature: 

Date: 8-24-04

Residence: San Diego, California, U.S.A.

Citizenship: United States of America

Mailing Address: 15078 Avenida Venusto #200  
San Diego, California 92128



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: COLLAGEN-BINDING MOLECULES THAT  
SELECTIVELY HOME TO TUMOR VASCULATURE  
AND METHODS OF USING SAME

Application Ser. No.: 10/648,813

Filed: August 25, 2003


Inventors: Ruoslahti, et al.

Attorney Docket No.: 66821-233

THE BURNHAM INSTITUTE, a non-profit organization, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: 10/20/03

Signature: 

Name: John M. Campbell

Title: Director of Intellectual Property

THE BURNHAM INSTITUTE  
10901 North Torrey Pines Road  
La Jolla, California 92037 USA

## ASSIGNMENT

This Assignment is made by Erkki Ruoslahti of Rancho Santa Fe, California; Markus Essler of München, Germany; and Darren M. Brown of San Diego, California, all Assignors, to The Burnham Institute, Assignee, having a place of business at 10901 North Torrey Pines Road, La Jolla, California 92037.

WHEREAS, Assignors have invented a new and useful COLLAGEN-BINDING MOLECULES THAT SELECTIVELY HOME TO TUMOR VASCULATURE AND METHODS OF USING SAME, for which an application for United States Letters Patent was filed on August 25, 2003, in the United States Patent and Trademark Office, bearing Serial No. 10/648,813, and identified as Attorney Client-Matter No: 66821-233;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States

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and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

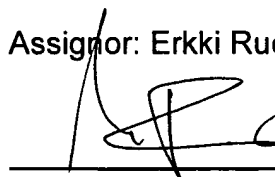
Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.



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IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: Erkki Ruoslahti



Signature

11-06-03

Date

STATE OF California )  
COUNTY OF San Diego )

On November 6, 2003, before me, Karen Marion Overklift personally appeared Erkki Ruoslahti,            personally known to me - OR - x proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift  
(Signature of Notary)



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Assignor: Darren M. Brown

SlanBrown  
Signature

11/3/03  
Date

STATE OF California )  
COUNTY OF San Diego )

On November 3, 2003, before me, Karen Marion Overklift personally appeared Darren Brown,        personally known to me - OR -   X   proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(~~ies~~), and that by his/~~her~~/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift  
(Signature of Notary)



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Assignor: Markus Essler

21.11.03

Date

Signature

STATE OF GERMANY )  
COUNTY OF )

On 11-11-03, before me, \_\_\_\_\_

\_\_\_\_\_ personally appeared \_\_\_\_\_  
\_\_\_\_\_, personally known to me - OR - \_\_\_\_\_  
proved to me on the basis of satisfactory evidence to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS by hand and official seal.



I.V. B. Kefner

(Signature of Notary)